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10/806,502	03/23/2004	Marian Rudolf	I-2-0494.IUS	2766
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EXAMINER				
PEREZ, JULIO R				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/806,502

Applicant(s)

RUDOLF ET AL.

Examiner

JULIO R. PEREZ

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-893)
Paper No(s)/Mail Date 04/16/09
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 19 recites the limitation "the results of measurements of the power" in lines 8-9; i.e., "the results of measurements". There is insufficient antecedent basis for this limitation in the claim.
3. Claim 22 recites the limitation "the results of measurements of the power" in line 9; i.e., "the results of measurements". There is insufficient antecedent basis for this limitation in the claim.
4. Claim 25 recites the limitation "the results of measurements of the power" in lines 8-9; i.e., "the results of measurements". There is insufficient antecedent basis for this limitation in the claim.
5. Claim 30 recites the limitation "the results of measurements of the power" in line 9; i.e., "the results of measurements". There is insufficient antecedent basis for this limitation in the claim.
6. Claim 35 recites the limitation "the results of measurements of the power" in lines 8-9; i.e., "the results of measurements". There is insufficient antecedent basis for this limitation in the claim.
7. Claim 38 recites the limitation "the results of measurements of the power" in line 8-9; i.e., "the results of measurements". There is insufficient antecedent basis for this limitation in the claim.

8. Claim 41 recites the limitation "the results of measurements of the power" in line 8-9; i.e., "the results of measurements". There is insufficient antecedent basis for this limitation in the claim.

9. Claim 46 recites the limitation "the results of measurements of the power" in line 9-10; i.e., "the results of measurements". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 19, 22, 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Hwang (US007317700B2).

Regarding claims 19, 22, 35, Hwang discloses providing high speed downlink packet access (HSDPA) services (Figure 6, # 61) comprising: receiving at least one control signal indicating at least one maximum allowed HSDPA transmit power level and a plurality of timeslots allocated for usage of HSDPA channels (col. 3, lines 27-56; col. 4, lines 59-67-col. 5, lines 16, teach a controller providing signal information for power utilization with, "**at least**", providing information of allowable power to transmit by the node B to users, which reads on "**receiving at least one control signal indicating at**

least one maximum allowed HSDPA transmit power level and a plurality of timeslots allocated for usage of HSDPA channels”, wherein the HSDPA transmit power level of each allocated timeslot is not allowed to exceed a maximum allowed HSDPA transmit power level indicated for the allocated timeslot (col. 3, lines 36-43; col. 4, lines 59- 67- col. 5, lines 1-3, describe the maximum allowable power allowed for each cell for each channel to transmit); transmitting at least one feedback signal indicating the results of measurements of the power of at least one of the allocated timeslots during a predetermined time period (col. 5, lines 7-16, describe the node B transmitting back a signal to acknowledge its reserve of resources, i.e., power); thus, it reads on “transmitting at least one feedback signal indicating results of power”.

Further, it is inherent as evidenced by the fact that one of ordinary skill in the art would have recognized that a predetermined amount of time or period is to be taken in the case that an acknowledgement is to be sent back to the system or controller, in this case, as to provide information of receipt of signals or data; thus, the transmitting side needs a way to know if its transmitting information has been received by the receiver).

12. Claims 25, 30, 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Hwang (US007317700B2).

Regarding claims 25, 30, 41, Hwang discloses providing high speed downlink packet access (HSDPA) services (Figure 6, # 61), the method comprising: receiving at least one control signal indicating at least one maximum allowed HSDPA transmit power level and a plurality of timeslots allocated for usage of HSDPA channels (col. 3, lines 27-56; col. 4, lines 59-67-col. 5, lines 16, teach, “**at least**”, controller providing

information of allowable power to transmit by the node B to users, which reads on **"receiving at least one control signal indicating at least one maximum allowed HSDPA transmit power level and a plurality of transmission timing intervals for usage of HSDPA channels"**, wherein the HSDPA transmit power level of each allocated timeslot is not allowed to exceed a maximum allowed HSDPA transmit power level indicated for the allocated timeslot (col. 3, lines 36-43; col. 4, lines 59- 67-col. 5, lines 1-3, describe the maximum allowable power allowed for each cell for each channel to transmit); transmitting at least one feedback signal indicating the results of measurements of the power of at least one of the allocated timeslots during a predetermined time period (col. 5, lines 7-16, describe the node B transmitting back a signal to acknowledge its reserve of resources, i.e., power); thus, it reads on **"transmitting at least one feedback signal indicating results of power"**.

Further, it is inherent as evidenced by the fact that one of ordinary skill in the art would have recognized that a predetermined amount of time or period is to be taken in the case that an acknowledgement is to be sent back to the system or controller, in this case, as to provide information of receipt of signals or data; thus, the transmitting side needs a way to know if its transmitting information has been received by the receiver).

13. Claim 38 is rejected under 35 U.S.C. 102(e) as being anticipated by Hwang (US007317700B2).

Regarding claim 38, Hwang discloses an RNC for providing high speed downlink packet access (HSDPA) services (Figure 6, # 61; col. 3, lines 27-48), the method comprising: transmitting at least one control signal indicating at least one maximum

allowed HSDPA transmit power level and a plurality of timeslots allocated for usage of HSDPA channels (col. 3, lines 27-56; col. 4, lines 59-67-col. 5, lines 16, teach, transmitting **"at least"**, providing information of allowable power to transmit by the node B to users, which reads on **"receiving at least one control signal indicating at least one maximum allowed HSDPA transmit power level and a plurality of timeslots allocated for usage of HSDPA channels"**, wherein the HSDPA transmit power level of each allocated timeslot is not allowed to exceed a maximum allowed HSDPA transmit power level indicated for the allocated timeslot (col. 3, lines 36-43; col. 4, lines 59- 67- col. 5, lines 1-3, describe the maximum allowable power allowed for each cell for each channel to transmit); transmitting at least one feedback signal indicating the results of measurements of the power of at least one of the allocated timeslots during a predetermined time period (col. 5, lines 7-16, describe the node B transmitting back a signal to acknowledge its reserve of resources, i.e., power); thus, it reads on "transmitting at least one feedback signal indicating results of power".

Further, it is inherent as evidenced by the fact that one of ordinary skill in the art would have recognized that a predetermined amount of time or period is to be taken in the case that an acknowledgement is to be sent back to the system or controller, in this case, as to provide information of receipt of signals or data; thus, the transmitting side needs a way to know if its transmitting information has been received by the receiver).

14. Claim 46 is rejected under 35 U.S.C. 102(e) as being anticipated by Hwang (US007317700B2).

Regarding claim 46, Hwang discloses an RNC for providing high speed downlink packet access (HSDPA) services (Figure 6, # 61; col. 3, lines 27-48), the method comprising: transmitting at least one control signal indicating at least one maximum allowed HSDPA transmit power level and a plurality of timeslots allocated for usage of HSDPA channels (col. 3, lines 27-56; col. 4, lines 59-67-col. 5, lines 16, teach, transmitting **"at least"**, providing information of allowable power to transmit by the node B to users, which reads on **"receiving at least one control signal indicating at least one maximum allowed HSDPA transmit power level and a plurality of transmission timing intervals for usage of HSDPA channels"**, wherein the HSDPA transmit power level of each allocated timeslot is not allowed to exceed a maximum allowed HSDPA transmit power level indicated for the allocated timeslot (col. 3, lines 36-43; col. 4, lines 59- 67-col. 5, lines 1-3, describe the maximum allowable power allowed for each cell for each channel to transmit); transmitting at least one feedback signal indicating the results of measurements of the power of at least one of the allocated timeslots during a predetermined time period (col. 5, lines 7-16, describe the node B transmitting back a signal to acknowledge its reserve of resources, i.e., power); thus, it reads on "transmitting at least one feedback signal indicating results of power".

Further, it is inherent as evidenced by the fact that one of ordinary skill in the art would have recognized that a predetermined amount of time or period is to be taken in the case that an acknowledgement is to be sent back to the system or controller, in this case, as to provide information of receipt of signals or data; thus, the transmitting side needs a way to know if its transmitting information has been received by the receiver).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 21, 24, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang in view of Cha et al. (US 20040090934A1).

Regarding claims 21, 24, 37, Hwang discloses claim 19, but the control signal limits the allowed HSDPA transmit power level to ensure that there is sufficient power reserved for non-HSDPA services.

Cha discloses allocating percentage of the allocated transmitting power for non services related to HSD packet access (pars. 18, 27).

It would have obvious to one of skilled in the art at the time of the invention to modify Hwang, such that the control signal limits the allowed HSDPA transmit power level to ensure that there is sufficient power reserved for non-HSDPA services, in order to share the transmission power between differing services to render the system more efficiently.

17. Claims 20, 23, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang in view of Wang et al. (US 20050117553A1).

Regarding claims 20, 23, 36, the combination teaches claim 19, but it is silent on wherein the predetermined time period is at least 100 ms.

Wang teaches "TDMA frame having a duration of 10 ms per timeslot and, which subdivided into fifteen time slots", that includes at least 10 slots (i.e., 10x10 ms), (par. 42, lines 17-20), which reads on a predetermined time period of at least 100 ms.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Hwang to include Wang, as it is known to implement wireless communication systems with time periods during provision of timeslots for data transportation.

18. Claims 26, 31, 42, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang in view of Wang et al. (US 20050117553A1).

Regarding claims 26, 31, Hwang discloses claims 25, 30, 41, but it is silent on wherein the predetermined time period is at least 100 ms.

Wang teaches "TDMA frame having a duration of 10 ms per timeslot and, which subdivided into fifteen time slots", that includes at least 10 slots (i.e., 10x10 ms), (par. 42, lines 17-20), which reads on a predetermined time period of at least 100 ms.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Hwang to include Wang, as it is known to implement wireless communication systems with time periods during provision of timeslots for data transportation.

19. Claims 27, 32, 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang in view of Malkamaki (US 20040097253A1).

Regarding claims 27, 32, 43, Hwang discloses claims 25, 30, 41, but wherein at least one set of the allocated TTIs are included in a frequency division duplex (FDD) cell frame.

Malkamaki implements wireless communication systems with FDD mode and TTIs to define periods for data transportation between the user equipment and base stations (pars. 61, 67, 71).

20. Claims 28, 33, 44 are rejected under 35 U.S.O3 (a) as being unpatentable over Hwang in view Mousley et al. (US 20050083977A1).

Regarding claims 28, 33, 44, Hwang discloses claims 25, 30, 41, but wherein the FDD cell frame has a length of 10 ms and each TTI has a length of 2 ms.

Mousley teaches allocation of channels with TTI of length 2 ms and frames of length of 2 ms (pars. 27, 37).

It would have been obvious to one of ordinary skill in the art to modify Hwang to include Mousley, as it is known in the art that TTIs conform to 2 ms and frames with lengths of 10 ms, to identify the frame lengths for transmission.

21. Claims 29, 34, 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang in view of Cha et al. (US 20040090934A1).

Regarding claims 29, 34, 45, Hwang discloses claim 25, 30, 41, but the control signal limits the allowed HSDPA transmit power level to ensure that there is sufficient power reserved for non-HSDPA services.

Cha discloses allocating percentage of the allocated transmitting power for non services related to HSD packet access (pars.18, 27).

It would have obvious to one of skilled in the art at the time of the invention to modify Hwang, such that the control signal limits the allowed HSDPA transmit power level to ensure that there is sufficient power reserved for non-HSDPA services, in order to share the transmission power between differing services to render the system with resources more efficiently.

22. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang in view of Wang et al. (US 20050117553A1).

Regarding claim 39, Hwang discloses claim 38, but it is silent on wherein the predetermined time period is at least 100 ms.

Wang teaches "TDMA frame having a duration of 10 ms per timeslot and, which subdivided into fifteen time slots", that includes at least 10 slots (i.e., 10x10 ms), (par. 42, lines 17-20), which reads on a predetermined time period of at least 100 ms.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Hwang to include Wang, as it is known to implement wireless communication systems with time periods during provision of timeslots for data transportation.

23. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang in view of Cha et al. (US 20040090934A1).

Regarding claim 40, Hwang discloses claim 38, but the control signal limits the allowed HSDPA transmit power level to ensure that there is sufficient power reserved for non-HSDPA services.

Cha discloses allocating percentage of the allocated transmitting power for non services related to HSD packet access (pars.18, 27).

It would have obvious to one of skilled in the art at the time of the invention to modify Hwang, such that the control signal limits the allowed HSDPA transmit power level to ensure that there is sufficient power reserved for non-HSDPA services, in order to share the transmission power between differing services to render the system with resources more efficiently.

24. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang in view of Wang et al. (US 20050117553A1).

Regarding claim 47, Hwang discloses claim 46, but it is silent on wherein the predetermined time period is at least 100 ms.

Wang teaches "TDMA frame having a duration of 10 ms per timeslot and, which subdivided into fifteen time slots", that includes at least 10 slots (i.e., 10x10 ms), (par. 42, lines 17-20), which reads on a predetermined time period of at least 100 ms.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Hwang to include Wang, as it is known to implement wireless communication systems with time periods during provision of timeslots for data transportation.

25. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang in view of Malkamaki (US 20040097253A1).

Regarding claim 48, Hwang discloses claim 46, but wherein at least one set of the allocated TTIs are included in a frequency division duplex (FDD) cell frame.

Malkamaki implements wireless communication systems with FDD mode and TTIs to define periods for data transportation between the user equipment and base stations (pars. 61, 67, 71).

26. Claim 49 is rejected under 35 U.S03 (a) as being unpatentable over Hwang in view Mousley et al. (US 20050083977A1).

Regarding claim 49, Hwang discloses claim 46, but wherein the FDD cell frame has a length of 10 ms and each TTI has a length of 2 ms.

Mousley teaches allocation of channels with TTI of length 2 ms and frames of length of 2 ms (pars. 27, 37).

It would have been obvious to one of ordinary skill in the art to modify Hwang to include Mousley, as it is known in the art that TTIs conform to 2 ms and frames with lengths of 10 ms, to identify the frame lengths for transmission.

27. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang in view of Cha et al. (US 20040090934A1).

Regarding claim 50, Hwang discloses claim 46, but the control signal limits the allowed HSDPA transmit power level to ensure that there is sufficient power reserved for non-HSDPA services.

Cha discloses allocating percentage of the allocated transmitting power for non services related to HSD packet access (pars.18, 27).

It would have obvious to one of skilled in the art at the time of the invention to modify Hwang, such that the control signal limits the allowed HSDPA transmit power level to ensure that there is sufficient power reserved for non-HSDPA services, in order

to share the transmission power between differing services to render the system with resources more efficiently.

Response to Arguments

28. Applicant's arguments with respect to claims 19-50 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JULIO R. PEREZ whose telephone number is (571)272-7846. The examiner can normally be reached on 10:30 - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. R. P./
Examiner, Art Unit 2617

4/25/09

/Patrick N. Edouard/
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